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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,714	05/29/2001	Ching-Feng Wang	BHT-3111-169	5941

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DOUGHERTY & TROXELL  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,714

Applicant(s)

WANG, CHING-FENG

Examiner

Ponnoreay Pich

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-16 is/are pending in the application. *cancelled*
- 4a) ~~Of the above claim(s) 1-10 is/are withdrawn from consideration.~~
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-10 have been cancelled. Claims 11-16 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The previous office action is incorporated by reference in its entirety.

### ***Docketing***

Please note that the application has been redocketed to a different examiner. Please refer all future communications regarding this application to the examiner of record using the information supplied in the final section of the office action.

### ***Response to Amendment***

The examiner has considered the applicant's amendments. Applicant's arguments filed on 6/8/2005 are moot in light of new rejections below brought about by applicant's amendments.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claim 12 further defines step c such that the access device is an MP3 player.

The examiner submits that defining the access device is an MP3 player in step c makes the claim unclear, as it seems that before getting to step c, the access

device can be some other type of device and implies that after step c, it can also be some other type of device.

2. A similar problem exists in claim 13 that was discussed above for claim 12 except with regards to an electronic book player instead of an MP3 player.
3. Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al (US 2002/0069365).

#### **Claim 11:**

Howard discloses a method for safely encrypting transmission data, which comprises the steps of:

- a. Connecting an access device, i.e. a computer system with a limited-use browser, to a subscriber's end of a network (p3, paragraph 33 and p4, paragraph 42).
- b. Providing a series number in the access device to the network and using the series number as an encryption key (p4, paragraph 42; paragraph 43, lines 9-12; p6, paragraph 61; and p6-7, paragraph 69).

Art Unit: 2135

- c. Encrypting data on the network to create encryption data (p4, paragraph 45).
- d. Downloading the encryption data only to the access device having the series number (p4, paragraph 42 and p6, paragraph 67, lines 7-11).
- e. Preventing users not connected to the access device having the series number from receiving the encrypted data (p4, paragraph 45 and p5, paragraph 49).

Wherein the access device is a network connecting device for data transmission used in the network (p3, paragraph 33 and p4, paragraph 42), the access device serving to selectively downloading data from and uploading data to the network (p2, paragraph 27, lines 11-21).

The browser component of the computer-browser combination access device inherently allows a user to select what data to download and in doing so, also allows a user to selectively upload data to the network.

**Claim 14:**

Howard discloses a method for safely encrypting transmission data, which comprises the steps of:

- a. Connecting to a network through a servo utilizing an access device (Fig 1; p3, paragraph 33; and p4, paragraph 42).
- b. Inputting a series number of the access device as an encrypting key (p4, paragraph 42; paragraph 43, lines 9-12; p6, paragraph 61; and p6-7, paragraph 69).

- c. Encrypting selected data from a database of the network according to the encrypting key to create encrypted data, the encrypted data is created on the network (p3, paragraph 32 and p4, paragraph 45).
- d. Downloading encrypted data from the network to the servo (Fig 1). Fig 1 shows that to get the data from web content server 110 to the client computer systems, it must first be downloaded to the web server system 109.
- e. Transferring the encrypted data to the access device having the series number (Fig 1; p4, paragraph 42; and p6, paragraph 67, lines 7-11).
- f. Decrypting the encrypted data utilizing the access device having the series number (p4, paragraph 45 and p5, paragraph 49).

Wherein the access device is a network connecting device for data transmission used in the network (p3, paragraph 33 and p4, paragraph 42), the access device serving to selectively downloading data from and uploading data to the network (p2, paragraph 27, lines 11-21)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al (US 2002/0069365) in view of Candelore (US 6,697,489).

**Claim 12:**

Howard disclose wherein in the encrypting step c) the data is audio data (p2, paragraph 27, lines 11-21). Howard does not explicitly disclose the data is music data and the access device is an MP3 music player playing the music data.

However, audio data being music data and an access device is an MP3 music player playing the music data was well known in the art at the time the applicant's invention was made. Further, Candelore discloses MP3-formatted audio files (col 1, lines 23-27). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Howard's invention according to the limitation recited in claim 12. One of ordinary skill would have been motivated to do so as MP3 was a popular audio file format and it would allow Howard's invention to play audio files encoded as MP3's.

**Claim 15:**

Howard discloses a method for safely encrypting transmission data used to play audio with an audio player, which comprises the steps of:

- a. Connecting to a servo of a network utilizing an access device (Fig 1; p3, paragraph 33; and p4, paragraph 42).
- b. Inputting predetermined data and a series number of the access device as an encrypting key (p4, paragraph 42; paragraph 43, lines 9-12; p6, paragraph 61; and p6-7, paragraph 69).

- c. Encrypting selected data from a database of the network according to the encrypting key to create encrypted data, the encrypted data is created on the network (p3, paragraph 32 and p4, paragraph 45).
- d. Downloading encrypted data from the network to the servo (Fig 1).
- e. Transferring the encrypted data to the access device having the same series number (Fig 1; p4, paragraph 42; and p6, paragraph 67, lines 7-11).
- f. Decrypting the encrypted data utilizing the access device having the series number to create audio data (p4, paragraph 45 and p5, paragraph 49).
- g. Playing audio on the access device (p2, paragraph 27, lines 11-21).

Wherein the access device is a network connecting device for data transmission used in the network (p3, paragraph 33 and p4, paragraph 42), the access device serving to selectively downloading data from and uploading data to the network (p2, paragraph 27, lines 11-21)

Howard does not explicitly disclose the audio being music and the audio player being an MP3 player and downloading the music data to the MP3 player for playing music. However, audio data being music data and an access device is an MP3 player for playing the music data was well known in the art at the time the applicant's invention was made. Further, Candelore discloses MP3-formatted audio files (col 1, lines 23-27). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Howard's invention according to the limitation recited in claim 15. One of ordinary skill would have been motivated to do



Art Unit: 2135

so as MP3 was a popular audio file format and it would allow Howard's invention to play audio files encoded as MP3's.

**Claim 16:**

Claim 16 is substantially similar to claim 15 and is rejected for the same reasons and motivation given in claim 15. The difference is that claim 16 refers to an Electronic book player as the MP3 player. The examiner submits that as Howard discloses that his invention can display text and images as well as audio data (p2, paragraph 27, lines 11-21), this reads on the MP3 player of the combination invention of Howard and Candelore being an Electronic book player.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al (US 2002/0069365).

**Claim 13:**

Howard does not explicitly disclose wherein in the encrypting step c) the data is an electronic book and the access device is an electronic book player playing the contents of the electronic book. However, Howard discloses that his invention can display text files or images (p2, paragraph 27, lines 11-21), which reads on the limitation recited in claim 13.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 8:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP

  
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